

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CHRIS GRUNDER,)	
)	
Petitioner,)	
)	Case No. 3:08-0963
v.)	Judge Echols
)	
JOSEPH EASTERLING, WARDEN,)	
)	
Respondent.)	

ORDER

This is a habeas corpus action brought pursuant to 28 U.S.C. § 2254 in which the Magistrate Judge has issued a Report and Recommendation (“R & R”) (Docket Entry No. 4) recommending that this litigation be transferred to the Eastern District of Tennessee, Winchester Division. The recommendation is made in order to cure a defect in venue because Petitioner was convicted of his crimes in the Bedford Circuit Court (which lies in the Eastern District of Tennessee) and, when he filed his petition, he was incarcerated at the Hardeman County Correctional Center (which is in the Western District of Tennessee). In doing so, the Magistrate Judge points out that the place of incarceration may change over time, but the district of Defendant’s conviction will remain constant and it is therefore the practice of the federal courts in Tennessee to transfer improperly filed habeas petitions to the judicial district in which the convicting court is located.

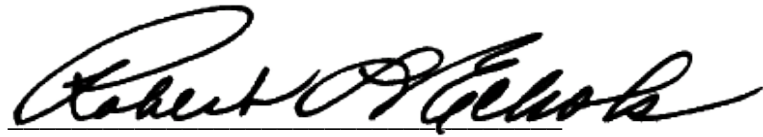
The R & R was entered on December 1, 2008, and Petitioner has filed no objection thereto, even though he was informed in the R & R that any objection needed to be filed within ten days of receipt of the R & R. (*Id.* at 2). Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the

matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). Having reviewed the matter and the file in this case, the Court agrees with the Magistrate Judge that this action should be transferred to the Eastern District of Tennessee, Winchester Division in order to cure the venue defect.

Accordingly, the Court rules as follows:

- (1) the R & R (Docket Entry No. 4) is hereby ACCEPTED and APPROVED; and
- (2) the Clerk of the Court is hereby directed to TRANSFER this case to the Winchester Division of the United States District Court for the Eastern District of Tennessee pursuant to 28 U.S.C. § 1406(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE